

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GARNER RICKMAN, ZIWEN LI, GARY REISING, JACOB BIGGINS, TOM HOFFMAN, ALEXANDER VANDAMME, SETH DAVIS, CHARLES CHAPMAN, CHARLES ROGERS, ION NICOLESCU, WERNER ROGMANS, ERICA OLSON, ALGREDO ARIAS, JESSE WHITE, RAZMIR AVIC, RICKEY EVANS, MARK MESSINA, LUKAS WILDNER, MIGUEL FRAGOSO, MARK SMITH, WILLIAM BERBAUM, KYLE KERN, ERIC STENGLEIN, CARLOS BUENDIA, TAHANI IBRAHIM, JOHN SAVIANO, GENE QUINT, BRIAN HEMBLING, IRVING COHEN, CHRISTINE GRIFFITH, TARRAH PEE, DARSHAN PATEL, BRIAN BECKNER, JOSHUA HU, JEFFREY PRICE, DEAN WERNER, ERIC SANCHEZ, CHARLES CAMPBELL, ANGELA HUGHES, JAMES TURNER, ELLIS GOLDFRIT, CHAD MACCANELLI, and SALOMON CAMPOS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

**BMW OF NORTH AMERICA,
BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT (BMW A.G.),
ROBERT BOSCH GMBH, and
ROBERT BOSCH LLC,**

Defendants.

Civ. No. 18-4363(KM) (JBC)

ORDER

This matter having come before the Court on the motions to dismiss the first amended complaint, pursuant to Fed. R. Civ. P. 12(b)(6), filed by

defendants BMW of North America LLC (DE 68) and Robert Bosch LLC (DE 69); and the plaintiffs having submitted papers in response (DE 72 & 73); and the defendants having filed replies (DE 75 & 76); and this Court having reviewed the submissions and considered the matter without oral argument; for the reasons set forth in the accompanying Opinion, and for good cause shown;

IT IS this 25th day of June, 2020,

ORDERED that the defendants' motions to dismiss (DE 68 & 69) are **GRANTED** as to Count 1 and **DENIED** as to Counts 2–79 of the first amended complaint. Because further amendment would appear to be futile, the dismissal of Count 1 of the first amended complaint is entered with prejudice.

/s/ Kevin McNulty

Hon. Kevin McNulty
United States District Judge